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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 IMPLICIT NETWORKS, INC.,

No. C 10-04234 SI

9 Plaintiff,

10 v.

11 JUNIPER NETWORKS, INC.,

12 Defendant.  
13 \_\_\_\_\_/

**ORDER RE JUNIPER'S MOTION TO  
COMPEL INTERROGATORY  
RESPONSES AND MOTION FOR  
LEAVE TO FILE A SECOND SUMMARY  
JUDGMENT MOTION**

14 Currently before the Court is defendant Juniper Networks, Inc.'s motion to compel further  
15 responses to Interrogatories Nos. 11, 14, 15 & 17 [Docket No. 100] and Juniper's unopposed motion  
16 for leave to file a second summary judgment [Docket No. 80]. With respect to Juniper's unopposed  
17 motion for leave to file a second summary judgment, that motion is GRANTED.

18 With respect to Juniper's motion to compel further interrogatory responses, the Court rules as  
19 follows:

20 **Interrogatory No. 11.:** The Court DENIES the motion to compel Implicit to create a "claim  
21 chart" showing how its commercial products map on the claims of the patents in suit, due to undue  
22 burden and relevance.

23 **Interrogatory No. 14.:** The Court DENIES the motion to compel, based on Implicit's answer  
24 that: "Juniper began infringing no later than the 'date of the '163 reexam certificate,' which is May 4,  
25 2010." See Docket No. 101. However, given Implicit's use of the "no later than" clause, Implicit will  
26 not be able to seek damages for any conduct prior to that date.

27 **Interrogatory No. 15.:** The motion to compel is GRANTED to the extent that Implicit must  
28 provide an answer as to whether it will dispute the publication date of the five (5) references identified


1 in Juniper's motion to compel and Implicit must provide the factual and legal support for each  
2 contention. Docket No. 100 at 2.

3 **Interrogatory No. 17.:** The motion to compel is GRANTED with respect to *internal* documents.  
4 Implicit shall specifically identify the internal documents already produced, and any to be produced, in  
5 a response pursuant to Rule 33(d).

6 Consistent with this Order, further interrogatory responses shall be provided within **ten (10)**  
7 **days of the date of this Order.**

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9 **IT IS SO ORDERED.**

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11 Dated: July 16, 2012

  
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SUSAN ILLSTON  
United States District Judge

United States District Court  
For the Northern District of California